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23 Attorneys for Defendants  
24 GOOGLE INC.; YOUTUBE, LLC; and  
ON2 TECHNOLOGIES, INC.

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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

MAX SOUND CORPORATION,  
Plaintiff,  
v.  
GOOGLE INC., YOUTUBE, LLC, ON2  
TECHNOLOGIES, INC., and VEDANTI  
SYSTEMS LIMITED,  
Defendants.

Case No. 5:14-cv-04412-EJD

**DECLARATION OF MICHAEL J. GUO  
IN SUPPORT OF DEFENDANTS  
GOOGLE INC., YOUTUBE, LLC, AND  
ON2 TECHNOLOGIES, INC.'S MOTION  
TO SET HEARING ON DEFENDANTS'  
MOTION TO DISMISS PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 12(b)(1) OR, IN THE  
ALTERNATIVE, TO STAY FOR  
SEPTEMBER 17, 2015, OR AS SOON AS  
POSSIBLE**

1 I, Michael J. Guo, hereby declare that:

2 1. I am over the age of eighteen and have personal knowledge about the facts  
3 described below.

4 2. I am an attorney at Wilson Sonsini Goodrich & Rosati, counsel for Defendants  
5 Google Inc.; YouTube, LLC; and On2 Technologies, Inc. (collectively, "Defendants"). I submit  
6 this declaration in support of Defendants' Administrative Motion to Set Hearing on Defendants'  
7 Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(1) or, in the Alternative, to  
8 Stay for September 17, 2015, or as Soon as Possible.

9 3. On August 28, 2015, Defendants filed a Motion to Dismiss Pursuant to Federal  
10 Rule of Civil Procedure 12(b)(1) or, in the Alternative, to Stay ("Motion to Dismiss"). Dkt. No.  
11 100.

12 4. Pursuant to paragraph III.A.1 of Judge Davila's Standing Order for Civil Cases, on  
13 August 21, 2015, I contacted the Court to reserve a hearing date for the Motion to Dismiss. The  
14 Court informed me that the first available hearing date was December 10, 2015.

15 5. Setting the hearing on Defendants' Motion to Dismiss on the same date as the  
16 Interim Case Management Conference on September 17, 2015, would preserve judicial and party  
17 resources. Counsel for Plaintiff Max Sound Corporation ("Plaintiff") and Defendants will already  
18 be present. Further, a September 17, 2015, hearing date would not affect Plaintiff's time to file its  
19 response, as Defendants are willing to shorten the time for their reply brief to September 15, also  
20 allowing the Court time to review the same in advance of the hearing.

21 6. On August 28, 2015, Defendants contacted Plaintiff about the September 17, 2015,  
22 hearing date. Plaintiff declined Defendants' request.

23 7. The previous time modifications in this case are as follows: Stipulation and Order  
24 Modifying Briefing Schedule on Defendants' Motion to Dismiss extending time for Plaintiff to  
25 respond (Dkt. No. 22); Stipulation and Order Modifying Briefing Schedule on Defendants'  
26 Motion to Dismiss for Plaintiff to respond and Defendants to reply (Dkt. No. 34); Order re:  
27 Defendant Vedanti Systems Limited's Notice of Motion and Motion to Extend Time to File a  
28 Responsive Pleading to Plaintiff's First Amended Complaint (Dkt. No. 35); Stipulation and Order

1 to Extend Time for Vedanti Systems Limited to Respond to Amended Complaint (Dkt. No. 46);  
2 Amended Stipulation and Order to Extend Time for Vedanti Systems Limited to Respond to  
3 Amended Complaint (Dkt. No. 48); Second Amended Stipulation and Order to Extend Time for  
4 Vedanti Systems Limited to Respond to Amended Complaint (Dkt. No. 51); and Amended  
5 Stipulation and Order to Extend Time for Infringement Contentions and Invalidity Contentions  
6 providing Plaintiff with extra time to file infringement contentions (Dkt. No. 88).

7 8. The requested hearing date will not otherwise affect the scheduling in this case.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct.

10 Executed on August 28, 2015, at San Francisco, California.

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12 \_\_\_\_\_/s/ Michael J. Guo  
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